THE BOMBAY PRIMARY EDUCATION ACT, 1947.

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(*b*) from a tenant who is liable to pay the same under sub-section (*3*) and if such amount,—

(*i*) is greater than the amount which the landlord is entitled to recover from the tenant under sub-section (*3*) the tenant shall be entitled to the refund of or to deduct the excess amount from the rent or from the next instalment of the riot tax, if any, due to the landlord, or

(*ii*) is less than the amount which the landlord is entitled to recover from the tenant under sub-section (*3*), the landlord shall be entitled to recover the difference either by the addition to the rent or to the next instalment of the riot tax, if any, due from the tenant or in any other lawful manner.]

Increase in rent excepted.

[1][**10C.** (*1*) A landlord shall also be entitled to make an increase in the rent of premises referred to in column 1 which were let on or before the first day of September 1940 by an addition to the rent at the rates specified against them in column 2 below :—

1	2
(1) Residential premises the rent of which does not exceed Rs. 20 per month.	Not exceeding 5 per cent. of the standard rent.
(2) Residential premises the rent of which exceeds Rs. 20 per month but does not exceed Rs. 80 per month.	Not exceeding 7½ per cent. of the standard rent.
(3) Residential premises the rent of which exceeds Rs. 80 per month.	Not exceeding 10 per cent. of the standard rent.
(4) Non-residential premises other than those specified in items (5) and (6) below :—	
(*a*) the rent of which does not exceed Rs. 50 per month.	Not exceeding 7½ per cent. of the standard rent.
(*b*) the rent of which exceeds Rs. 50 per month.	Not exceeding 12½ per cent. of the standard rent.
[2][(5) Premises interest in which is transferred under the proviso to section 15 on or after the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as incidental to the sale of a business together with the stock-in-trade and goodwill thereof.]	Not exceeding 25 per cent. of the standard rent.
(6) Premises used for the purposes of a cinema.	Not exceeding 50 per cent. of the standard rent.

Bom. LXI of 1953.

(*2*) Any increase under sub-section (*1*) shall not be deemed to be an increase for the purposes of section 7.

(*3*) Nothing contained in sub-sections (*1*) and (*2*) shall apply to premises to which this Part has been applied in the areas of the merged territories of the former State of Baroda to which this Part has been extended.

Explanation.—For the purposes of sub-section (*1*), the expression "premises" shall have the same meaning as is assigned to it in sub-clause (*b*) of clause (*8*) of section 5.]

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[1] Sections 10C and 10D were inserted by Bom. 61 of 1953, s. 7.

[2] This clause was substituted for the original by Bom. 46 of 1954, s. 2.

Proportional recovery of riot tax after certain date permitted.

[1][**10B.***] (*1*) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (*3*) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation determined under sub-section (*1*) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (*2*) of the said section 45 by an addition to the general tax, the landlord from whom such amount of compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, [2][liable to pay the same under sub-section (*3*)] subject to the following conditions, namely :—

Bom. IV of 1902.

(*i*) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

(*ii*) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ;

Bom. XVI of 1950.

(*iii*) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ;

Bom. XVI of 1950.

[3][(*iv*) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as the rent payable by him in respect of premises bears to the total amount of rent recoverable for the whole premises it let.]

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7.

[4][(*3*) A tenant shall be liable to pay the amount of the riot tax if he is or was in occupation of the premises in respect of which the riot tax is payable by the landlord, on the date on which the riot took place or if the riot continued after that date during the greater part of the period of such riot. And a landlord of such premises shall be entitled to recover the amount of the riot tax from the tenant who is liable to pay the amount of riot tax under this section, notwithstanding that such tenant is not in occupation of the premises on the date on which such amount is recovered from the landlord by the Municipal Commissioner.

Explanation.—For the purposes of this sub-section, the date on which the riot took place or the period of the riot shall be the date or the period, as the case may be which the State Government may by notification in the *Official Gazette* specify in this behalf.

(*4*) If the amount of the riot tax has already been wholly or partly recovered by a landlord before the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1950,—

Bom. LII of 1950.

(*a*) from a tenant who is not liable to pay the same under sub-section (*3*) such tenant shall be entitled to the refund of the whole or part of the amount recovered from him by the landlord or to deduct the same from the amount of the rent due by him to the landlord in respect of the premises,

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[1] Section 10-B was inserted by Bom. 16 of 1950, s. 2.

*The amendments effected to section 10-B by Bom. 53 of 1950, s. 5, shall be deemed to have come into force with effect from *2-5-1950* (*vide* s. 9 of Bom. 53 of 1950).

[2] These words were inserted by Bom. 53 of 1950, s. 5 (*1*).

[3] Clause (*iv*) was substituted for the original clause (*iv*) and the Explanation, by Bom. 53 of 1950, s. 5(*1*).

[4] Sub-section (*3*) was added, *ibid.*, s. 5 (*2*).

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